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ABSTRACT

This report presents results of a study describing current state policies and practices to minimize or reduce inappropriate placements of minority students in special education. States were surveyed to obtain information about changes in their procedures for collecting data by race/ethnicity and their procedures to monitor local districts where overrepresentation is identified. The analysis built on a 1991 study by the staff of the Arkansas Department of Education. Findings are discussed and illustrated in tabular form. Administrative practices are described for six states that have developed formal follow-up procedures subsequent to a finding of overrepresentation in a local district. These states are Arkansas, California, Illinois, Massachusetts, New Mexico, and Pennsylvania. The analysis concludes that, although there has been an increase in the number of states that collect child count data by race/ethnicity, few states have mechanisms for addressing the overrepresentation issue once a district is suspected of having some disproportionality. Three recommendations are offered to address this issue: (1) data should be collected by all states by gender, race, and ethnicity; (2) further analysis of state enrollment data is needed to get a more accurate picture of the state dimensions of this problem; and (3) collaboration should continue among government, experts, and stakeholders to support the development of solutions to this problem. (Includes 14 references.) (DB)

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State Data Collection and Monitoring Procedures Regarding Overrepresentation of Minority Students in Special Education

by Julia Lara
Council of Chief State School Officers

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ABSTRACT

This analysis was undertaken to describe current state policies and practices designed to minimize or reduce inappropriate placements of minority students in special education. States were surveyed to obtain information about changes in their procedures for collecting data by race/ethnicity and their procedures to monitor local districts where overrepresentation is identified. This analysis builds on a 1991 study by the staff of the Arkansas Department of Education on this topic.

Findings from the survey and follow-up contacts are discussed and illustrated in tabular form. Administrative practices are described for the six states that have formal follow-up procedures subsequent to a finding of overrepresentation in an local district.

The analysis concludes that, although there has been an increase in the number of states that collect child count data by race/ethnicity, few states have mechanisms for addressing the overrepresentation issue once a district is suspected of having some disproportionality. Three recommendations are made as suggestions to begin to address the issue.

STATE DATA COLLECTION AND MONITORING PROCEDURES REGARDING OVERREPRESENTATION OF MINORITY STUDENTS IN SPECIAL EDUCATION

STATEMENT OF THE PROBLEM

Disproportionate representation of minority students in special education classes is not a new issue in policy discussions focusing on educational equity. Since the mid 1960s, when the issue was first raised, succeeding analyses of special education enrollment patterns at both national and state levels have confirmed the persistence of this phenomenon.[1] Educators are particularly concerned about school practices that result in the overrepresentation of certain minorities in special education for a number of reasons: very often, a stigma is attached to the student enrolled in certain categories of special education; child advocates have doubts about the effectiveness of services provided in these classes; and the student's civil rights are violated when placed inappropriately in special education classes.[2]

The most in-depth and comprehensive analysis of the issue of special education placements was conducted during the early 1980s by the National Academy of Sciences (NAS) at the request of the U.S. Department of Education's Office for Civil Rights (OCR), which had been concerned about the disproportionality in special education enrollments, particularly the high percentages of African Americans and males in programs for the educable mentally retarded (EMR). In 1978, African American students comprised 38 percent of EMR classes, while the African American population as a percent of the school enrollment was only 16 percent (NAS, 1982).

The NAS assembled a distinguished panel of experts from various academic areas including psychology, sociology, mathematics and mental health to examine the conditions under which overrepresentation would be problematic or inequitable. After an extensive analysis of OCR enrollment data and reviews of several commissioned papers, the panel concluded that overrepresentation should be considered a problem only when children are invalidly assessed for special education or receive poor instruction. It put forth a series of

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[1] Disproportionate enrollment of students in special education occurs when the representation of a group in special education is disproportionate (higher or lower) to their numbers in the school system as a whole.

[2] Questions have been raised about the overall quality of services provided in all programs, particularly in classes designed for students labeled as EMR--educable mentally retarded; TMR--trainable mentally retarded; and SED--severely emotionally disturbed (Brown, 1982; Gartner & Lipsky, 1989).

"principles of responsibility" designed to guide decisionmaking at each phase of the service delivery process including referral, identification, assessment, placement, and re-evaluation of students.

Subsequent analyses of minority enrollment patterns in special education have shown findings of minority overrepresentation:

- Homer, Maddux and Green (1986), analyzing enrollment data in a large school district, found that African American students were overrepresented in mildly mentally retarded and learning disabled (LD) classes. Hispanics were overrepresented in LD classes.

- Chin and Hughes (1987), analyzing OCR survey data from 1978 to 1984 to examine trends in minority enrollments, found underrepresentation among Hispanic students in educable mentally retarded (EMR) classes, severely emotionally disturbed (SED) classes and speech impaired (SI) programs. African Americans were overrepresented in EMR and SED classes. American Indians were overrepresented in EMR and LD classes. Asians were underrepresented in all categories except gifted and talented (G/T) in which they were overrepresented. All other ethnic groups were underrepresented in classes for gifted and talented.

TABLE 1

Special Education Enrollment Percentages by Ethnicity and Category (1990)

	Disability Category						Total LEA Enroll
Ethnic Group	EMR	TMR	SED	LD	SI	G/T	
Whites	56%	46%	71%	70%	73%	79%	68%
African American	35%	32%	22%	17%	16%	8%	16%
Hispanic	8%	20%	6%	11%	9%	6%	12%
Asian/PI	1%	2%	1%	1%	2%	6%	3%
Native American	1%	1%	1%	1%	1%	1%	1%

Source: Department of Education Civil Rights Survey. These figures are adjusted national estimates.

EMR - Educable Mentally Retarded	TMR - Trainable Mentally Retarded
SED - Severely Emotionally Disturbed	LD - Learning Disabled
SI - Speech Impaired	G/T - Gifted/Talented

Table 1 shows the enrollment in various categories of special education classes by race and ethnicity as reported by OCR in 1990. It shows that African American students

continue to be overrepresented in EMR, TMR, and SED, are proportionately represented in LD and SI classes, and are underrepresented in G/T classes.[3] Hispanics were proportionally represented in LD, but underrepresented in all other categories except TMR where the overrepresentation appears to be significant. Asian students are still underrepresented in all categories except gifted and talented classes. Native American students were proportionally represented in all categories.

These enrollment patterns in and of themselves do not establish discriminatory behavior by the district staff; rather, they serve as indicators meriting further examination. As the NAS panel concluded, overrepresentation may or may not be problematic depending on the appropriateness of the assessment process and the quality of services provided to minority children in special education. Thus, to determine the fairness of the treatment of ethnic/racial minorities in special education programs, a deeper examination of school level practice must be undertaken. This entails a systematic and careful review of the special education delivery process (referral, assessment, placement, instruction and re-evaluation).

Since states have a statutory responsibility for education, are bound by state and federal civil rights statutes that prohibit discrimination, and are required to monitor compliance with state and federal laws, state education agencies (SEAs) must know how to guard against inappropriate placements of minority students in special education classes. [4]

PURPOSE OF THIS STUDY

In the fall of 1993, the Council of Chief State School Officers (CCSSO), at the request of the National Association of State Directors of Special Education (NASDSE), conducted an analysis of state policies and practices concerning the overrepresentation of minority students in special education. The purpose of the project was to describe state policies and practices designed to minimize or reduce inappropriate placements of minority students in special education classes. This report documents the results. Specifically, answers were sought to the following questions:

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[3] Disproportionality is operationally defined as 10% above or below the group's total school enrollment nationally. For example, proportionality for Hispanic students is considered enrollment percentages of 10.8 to 13.3.

[4] Although not discussed in this paper SEAs also monitor for compliance with rules and regulation concerning gender balance, underrepresentation, least restrictive environment.

- Has there been a change in the number of states that collect enrollment counts by race/ethnicity?[5]

- What is the criterion used by the states to determine overrepresentation?

- What procedures are in place at the state level aimed at reducing inappropriate or discriminatory practices?

- How effective are these procedures? What are the sanctions?

The effort builds on work conducted in 1991 by staff of the Arkansas Department of Education, who surveyed state directors of special education concerning state data collection practices and procedures for identifying districts with overrepresentation of minority students in special education categories.[6] In addition to the survey, the Arkansas staff met with a small group of state representatives to further discuss practices in these states for addressing the overrepresentation issue. They found that few states had exerted a leadership role in this area; although 23 states collected special education enrollment figures by race/ethnicity, only seven used them to identify districts with a probable overrepresentation problem.[7]

Although the above effort yielded baseline information regarding state activity in this area, the Arkansas state education agency (SEA) analysis had two important limitations: it was not sufficiently descriptive of the processes implemented by the states, and it only identified African Americans in the question about overrepresentation. [8] Recognizing these limitations, this analysis was intended to complement and expand the Arkansas study by probing deeper into state practices in this area.

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[5]Collection of race/ethnicity data is not a requirement under Part B of IDEA. OSEP does not have the authority to collect this data.

[6] The two key questions were asked in the survey: Does your SEA collect it's December 1 child count data by race and sex? Has your SEA developed any procedures which it applies to districts to "red flag" the district in terms of possible overrepresentation of **black** students in special education.

[7]Although the Arkansas survey was not published, a record of the results was available from internal documents at NASDSE.

[8] State specialist noted that it is only in recent years that there has been a significant number of other minorities in the state. All minorities are currently included in the data collection activities of this state.

PROCEDURE

Two data collection approaches were used to elicit information from the states. A two-item survey was sent to state directors of special education in the 50 states and the District of Columbia.[9] The purpose was to verify information from the Arkansas study and to identify changes in the state practices since then. Accordingly, state directors were asked to check the appropriate choice (Yes or NO) to the following questions:

- Does your SEA collect it's December 1 child count data by race/ethnicity?
- Has your SEA developed any procedures which it applies to "red flag" districts with possible overrepresentation of minority students in special education?

States that provided an affirmative response to the second question were sent a letter requesting documents such as monitoring standards, notification letters to the districts, guidelines for determining overrepresentation, and corrective action plans. A separate letter requesting the same documents was sent to each of the seven states identified by the Arkansas state education agency as having procedures for identifying districts with disproportionalities.

Responses were received from all states that received the survey. Four of the seven states previously identified with procedures for "red flagging" districts sent in the requested supporting documents.[10] The accuracy and completeness of the information received varied significantly among states.

FINDINGS

State Data Collection and Identification Procedures

Table 2 shows the state-by-state response to the survey questions and additional notes provided by the state. Based on their survey responses, states can be grouped into three categories of involvement with this issue: those that collect enrollment counts by race/ethnicity and have follow-up procedures in place; those that collect the counts but have no formal follow-up procedures; and, those that do not collect enrollment counts by that

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[9] Surveys were not sent to American Samoa, Guam, Northern Mariana Islands, Virgin Islands, or Puerto Rico.

[10] Three of the seven states originally identified in the Arkansas survey noted that they did not have a formal mechanism for tracking enrollment in LEAs, analyzing enrollment data, or working with the LEA to ascertain the nature of the problem.

parameter and therefore cannot monitor enrollment patterns. As shown on Table 2, more than one half of all states (32) are now collecting enrollment data by race/ethnicity on a yearly basis, a 39% increase since 1991. However, only six of the 32 states use the data to monitor minority enrollments, judge the adequacy of local practices, and conduct further investigation.

States that collect the data and have no formal follow-up procedures (26 states) fall into two categories of subsequent involvement with this issue. About half of these states (15) did not indicate what happens once the data is collected and disaggregated by race/ethnicity. Eleven are involved in a number of related activities, such as analyzing the data but not initiating follow-up activities when the enrollments appear to be disproportionate, or notifying districts informally and suggesting further examination of assessment and placement procedures. Others are examining this issue internally or have commissioned formal studies of disproportionality in the state. These latter groups of states anticipate that the results of both types of analyses will lead to changes in state rules and regulation to strengthen the role of the state. Finally, one state is in the process of piloting a new results based monitoring system.

A large group of states (18) do not collect data by race/ethnicity and therefore cannot track district enrollment patterns and make judgments about the adequacy of district placement procedures. There seems to be no incentive for some of the SEAs to assume a greater leadership role since, as one respondent stated: "There is no federal or state mandate, nor political pressures to investigate the disproportionality in this state." It may also be that political pressures in some states operate to discourage any action on this issue.

TABLE 2

State-by-State Responses--Data Collection Practices and Procedures for Monitoring Overrepresentation of Minorities in Special Education [11]

State	Collects Data	Procedure	Comments
Alabama	YES	NO	
Alaska	NO	NO	
Arizona	YES	NO	Data analyzed, no follow - up.
Arkansas	YES	YES	
California	YES	YES	
Colorado	YES	NO	
Connecticut	YES	NO	Data analyzed, informal contact with LEA.
Delaware	YES	NO	
District of Columbia	YES	NO	
Florida	YES	NO	Data collected, informal contact with LEA.
Georgia	YES	NO	
Hawaii	NO	NO	
Idaho	YES	NO	
Illinois	YES	YES	
Indiana	YES	NO	
Iowa	NO	NO	
Kansas	YES	NO	A study in process.
Kentucky	YES	NO	
Louisiana	YES	NO	
Maine	NO	NO	Considering activities in this area.
Maryland	YES	NO	If LEA requests help SEA gives technical assistance.
Massachusetts	YES	YES	
Michigan	YES	NO	
Minnesota	NO	NO	Conducting some activities in this area.
Mississippi	NO	NO	

[11] Quest.1-Does your SEA collect its Dec.1 child count data by race and ethnicity?
Quest.2-Has your SEA developed any procedure which it applies to "red flag" districts in terms of possible overrepresentation of minority students in special education?

State	Collects Data	Procedure	Comments
Missouri	NO	NO	
Montana	NO	NO	
Nebraska	NO	NO	
Nevada	NO	NO	The SEA is studying the issue.
New Hampshire	NO	NO	
New Jersey	YES	NO	Data is analyzed, informal contact with LEA.
New Mexico	YES	YES	
New York	YES	NO	Currently conducting a study on this issue.
North Carolina	YES	NO	A minority task force is presently studying this issue.
North Dakota	YES	NO	
Ohio	NO	NO	
Oklahoma	YES	NO	Data analyzed, informal contact with districts.
Oregon	NO	NO	Will collect data by race/ethnicity next year.
Pennsylvania	YES	YES	
Rhode Island	YES	NO	
South Carolina	NO	NO	
South Dakota	YES	NO	
Tennessee	NO	NO	
Texas	YES	NO	Currently piloting a process.
Utah			
Vermont	NO	NO	
Virginia	NO	NO	Recently started to collect data by race/ethnicity.
Washington	YES	NO	
West Virginia	NO	NO	
Wisconsin	YES	NO	Data analyzed, no follow-up.
Wyoming	YES	NO	

State Procedures for Identification and Follow-up

This section describes the standards that states use to determine overrepresentation of minority students in the various disability categories, and state activities subsequent to a finding of overrepresentation. Descriptions of follow-up activities are organized into three sections which correspond to each phase of the states' follow-up procedures: A) data analysis by states, B) state communication with LEAs, and C) technical assistance/monitoring by states.

The states whose administrative procedures are described are the six identified in Table 2 as having "red flagging" procedures. Pennsylvania's procedures were still in draft form at the time of the survey, consequently there might be modifications in the procedures presently described for Pennsylvania. In-depth comparison across categories was not always possible, given that states did not provide all the information requested. Moreover, with the exception of Massachusetts, the states did not outline in a sequential and detailed manner the process steps that follow from a finding of overrepresentation.

A) Data Analysis by States: The first step in the process of monitoring for disproportionality is analysis of student enrollment counts. Enrollment counts in each disability category are sent, yearly, to the state by the local districts. Analysis of enrollment counts is part of the states' comprehensive compliance reviews during which state agency personnel examine compliance with all applicable state and federal requirements. As shown on Table 3, the standard for determining under/overrepresentation in each of the states varies. There is no "model standard" for computing disproportionality. Therefore, no judgments can be made about the validity of the criteria used by these states. The less complicated approach is used in Arkansas, Pennsylvania, New Mexico, and California, where the percent of the group of minority students enrolled in each disability category is compared to the groups' overall enrollment in the district, and then compared to a certain threshold above which enrollments are considered disproportional. Reschly (1988) however, asserts that this approach can lead to misinterpretation and exaggeration and suggests that a more accurate approach is to compare percent of minority enrollment in specific categories to the percent that the group represents of the total disability category. For example, the percent of African American students in EMR classes is compared to the overall percent of all students in EMR. This latter calculation results in a smaller proportion of minority group students in special education.

Massachusetts and Illinois include other variables into the formula. In Massachusetts, minority enrollments are compared to white enrollments; in Illinois district enrollments are compared with the statewide special education enrollment number for particular groups of students. Illinois also uses the strategy suggested by Reschly in it's calculations. In all cases, the data submitted by the districts are carefully reviewed prior to notifying districts of possible non-compliance finding.

TABLE 3

Criterion for Determining Overrepresentation

States	Standard for Determining Overrepresentation
ARKANSAS	Calculates the difference between the % of Black students in the districts' general school population, and the percent of Black students enrolled in special education. If the percent difference is more than 8.3, districts are identified as having possible problem with overrepresentation of Black students in special education. The same procedure will be used to calculate overrepresentation of other ethnic groups.
CALIFORNIA	The E formula determines whether or not the percentage of the targeted black and hispanic students in MR classes is greater or less than the total percentage of Black and Hispanic students enrollment for the given district. The districts are allowed to be one standard deviation above the product of these two percentages.
ILLINOIS	The percentage that each category of students represents of the district's/joint agreement's special education population is calculated. The percent is then compared to the state wide average enrollment per category of student. If the difference between the two is significant, then the districts are identified for possible overrepresentation of minority students in special education. The state did not specify what significance level represents overrepresentation. The process is applied to all ethnic minorities and white students, as well as to disability and least restrictive environment (LRE) placement codes.
MASSACHUSETTS	The pattern of assignment is substantially disproportionate from the distribution of students within the district. The rate of enrollment of white students in special education is compared to the rate of enrollment of minority students. Using a test of statistical significance, it is determined whether any difference in the rates can be attributed to chance or to other factors influencing the enrollment rates.
NEW MEXICO	The percentage of a particular minority group in a special education category is 5% above or below the percentage of that group in the district. This standard is applied to each racial/ethnic group.
PENNSYLVANIA	Enrollment in special education that exceeds 5% of the ethnic makeup of the student population for the year the numbers are collected. Standard is applied to each racial/ethnic group of students.

B) State Communications with LEAs: In all of the states cited in Table 3, there is a legislative or regulatory mandate to include overrepresentation of minority students as a compliance item in the monitoring manual. California is under a court order to monitor overrepresentation of the state's African American and Hispanic children in MR special day classes.[12] Once the districts are identified, the SEA notifies the local school superintendent of the possible non-compliance finding. Massachusetts may hold public hearings during which the district staff is asked to show that the disproportion is necessary to promote the educational interest of the children. Arkansas, California, and Pennsylvania also give the local districts an opportunity to justify placement decisions.

[12] These are self contained MR classes.

The districts' response to state notification is reviewed, and a judgment is made regarding the adequacy of the response. Illinois conducts a focused review of local practices when the analysis indicates disproportionality in enrollments. These reviews take place before local districts are notified of the state findings and may involve site visits, interviews of local staff, and reassessment of local procedures. California has a four-stage system in which districts have up to a year to resolve their non-compliant status. Each of the four stages entails a progressive involvement of district management in the resolution of the compliance issue. For example, in response to SEA stage one communication, the LEA is expected to prepare a corrective action plan. If the district has not resolved the compliance issue at the end of 365 days (stage four), the SEA establishes communications with the district superintendent and the president of the school board.

When districts cannot justify the disproportionality, all states require the development of a corrective action plan detailing how the situation will be corrected. In five of the six states identified, the districts generate the corrective action plan with state support, while in Illinois the plan is developed in collaboration with the district.

C) Technical Assistance by States: All states provide technical assistance to the districts with a variance in terms of who provides the assistance and the manner in which the assistance is provided. In Massachusetts, the SEA instructional and curriculum team provides the program development and technical assistance. A grant program was developed in Massachusetts in 1994 to provide financial support to districts identified by a statistical review to enable them to assess their policies, procedures and practices regarding placement. Districts must provide the results of that review to the SEA. If the review confirms overrepresentation, the district must propose a corrective action plan (CAP) in the format required by the state. The SEA then monitors the implementation of that CAP including onsite validation.

In Arkansas a "needs assessment" document is developed for the district to use prior to the development of the corrective action plan. The document helps the district identify practices that may contribute to the inappropriate placements. It prompts the district to examine pre-referral activities, the referral process, evaluation practices, evaluation reports, placement and programming. A similar approach is used in California, where staff limitations prohibit state officials from conducting site visits to identified districts. In Pennsylvania, the SEA provides technical assistance to the local multidisciplinary evaluation teams through regional workshops designed to familiarize district staff with the corrective action plan requirements. In addition, special emphasis will be given in these training efforts to issues that must be considered when dealing with culturally and linguistically diverse students.

Four states have developed guidelines for the development of the correction action plans (CAPs) that delineate the elements that must be included. Generally, each element of the CAP parallels the special education identification and service delivery phase

(identification, placement and reevaluation process). The Pennsylvania SEA questions how the district considers the following areas when dealing with overrepresented minority students: exposure to the curriculum in the regular class, support available to the student in the regular program, involvement of ESL/Bilingual staff in the pre-referral process.[13] Special attention is given to the specific area of the process found problematic. For example, a district that has conducted a self assessment and has found problems in the test materials or student evaluation procedures will develop an objective focused on changing the evaluation practices. The CAPs specify how the problem will be addressed, who is responsible, and target dates for addressing each stage of the process. The Massachusetts corrective action plan guidelines require that the local districts examine issues of language assessments in collaboration with the bilingual units of the districts. Pennsylvania specifies that the population identified as under/overrepresented must be addressed in the action plan in order to receive approval from the SEA. Generally, the review and approval process is undertaken by the SEA or the regional assistance centers.

In some states, once the state approves the CAP, the district is monitored for a period of three years. On a yearly basis, the state may engage in one or more of the following activities: analyze enrollment patterns; conduct an on-site review of district documents including students' folders; interview school personnel; and/or interview parents. Until recently, Massachusetts had the most comprehensive set of monitoring procedures. However, Massachusetts is moving away from a monitoring approach toward a technical assistance approach in the interest of avoiding punitive and intrusive procedures.

Consequences for not complying with the objectives of the corrective action plans may result in legal action by the state in Massachusetts and California where the district could lose funding. Arkansas has no mandate for imposing sanctions on the districts; other states never had a non-compliant district and therefore had not developed such procedures. Pennsylvania prefers to work with the districts to achieve the best possible results rather than assume a confrontational stance, so there are no explicit sanctions for non-compliance in that state.

CONCLUSION AND RECOMMENDATIONS

This study has shown that 32 states collect child count data by race and ethnicity, and that this represents an increase since 1991. However, few SEAs have mechanisms for addressing the overrepresentation issue once a district is suspected of having some disproportionality. Only six of the 32 states collecting the counts have mechanisms for

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[13] These are just examples of the areas that districts must address. The elements that must be addressed by the corrective action plan are quite extensive.

working with districts suspected of disproportional enrollments in special education. In addition, a significant number of states (18) do not collect the enrollment counts. Fifteen of these states have minority student enrollments of at least 20%. It may be that school districts in these states have a disproportionality problem, but without the analysis states cannot know the dimensions of the problem, or have the information on which to base decisions about corrective action for addressing problems in this area.

Although there were some differences across the states in terms of the extent of involvement with districts, all states that identify disproportionality go through similar stages in terms of requirements imposed on the districts, and in the types of activities initiated at the state level. Specifically, states analyze the data, notify the districts of the proportionality, require development of a corrective action plan, and monitor implementation of the plan objectives. However, some states appear to be more prescriptive than others. For example, Massachusetts' procedures clearly specifies roles and responsibility of various units within the state agency (program quality assurance, curriculum and instruction), and the local districts. Moreover, the activities at each stage of the monitoring and compliance process is open to the public. This approach seem to be effective--Massachusetts' minority enrollment in special education is proportional to the general population. The following recommendations partly address the issues cited above.

- The Office of Civil Rights collects special education enrollment counts, but this is done on a sample basis rather than a universal count of student enrollment. Data should be collected by all states by gender, race, and ethnicity. OSEP may wish to explore this as a requirement under Part B of IDEA during the current reauthorization cycle.

- Further analysis of state enrollment data could be conducted in order to get a more accurate picture of the state dimensions of this problem. It may be that states do not have the expertise to conduct this type of analysis. States could request technical assistance from OSEP through the SAFES program to obtain assistance with the data analysis.

- Collaboration should continue among the U. S. Department of Education, experts and stakeholders to examine why the problem persists, and support the development of solutions to the problem. For example, a panel might be convened to examine the difficulties districts may have in implementing the recommendations of the NAS panel.

REFERENCES

PUBLISHED MATERIALS

Brown, Cynthia (1983). Special education for minority students and low income children. The Equality Center. Washington; D.C.

Chinn, P.&., Hughes, S. (1987). Representation of minority students in special education classes. RASE 8(4) pp.41-46.

Gartner, A.& Lipsky, D. (1989). The yoke of special education: How to break it. National Center on Education and the Economy. Rochester; New York.

Heller, K., Holtzman, W., Messick.(1982). Placing children in special education: A strategy for Equity. National Academic of Sciences, Washington; D.C.

Horner, C., Maddux, C., Green, C. (October, 1986). Minority students and special education: Is overrepresentation possible? NASSP Bulletin.

Reschly, D. (1988). Minority representation and special education reform. Exceptional Children. 54 (4) pp.316-323.

STATE DOCUMENTS

Arkansas

Procedures for "Red-flagging" Districts with potential overrepresentation of Black students in special education.
Needs assessment plan.

California

Coordinated Compliance Review Manual (1992-93)
Overview of Tracking System (January, 1993)
Program Advisory--Compliance Resolution (November, 1989)

Illinois

Illinois Special Education Monitoring Manual. (August, 1993). Department of Special Education. Illinois State Board of Education.

Massachusetts

Procedures for Monitoring Prima Facie Denial of Equal Education Opportunity in Special Education. Chapter 71B Section 6.

Pennsylvania

Report of Racial and Ethnic Grouping (Draft, October, 1993). Pennsylvania Department of Education, Bureau of Special Education.